

# DRAFT

## **Minutes Windsor Town Council Meeting Town Hall January 12, 2010**

The Windsor Town Council met in regular session on January 12, 2010 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Marvin A. Crocker, Jr. was present, and he called the meeting to order. He welcomed those who were present. He asked for anyone with cell phones to please turn them off. He asked the Clerk to call the roll. Robin Hewett, Town Clerk, recorded the minutes. John L. Rowe, Jr., Interim Town Manager, Police Chief Porti, Michael Stallings, Assistant Town Manager/Planning and Zoning Administrator, and Joshua Pretlow, Jr., Town Attorney were present.

Council members present: Wesley F. Garriss  
William L. Jones  
Carita J. Richardson  
Durwood V. Scott  
Greg Willis

Council member absent: J. Clinton Bryant

Mayor Crocker said Councilman Bryant is out of town. Mayor Crocker gave the invocation.

### **Public Hearing**

None

### **Delegations, Public Comments, and Citizens Concerns**

Robert Beale, 201 Hidden Acres Circle, said he is before Council again to voice his concerns about residents parking on the streets in Hidden Acres and not being able to get in and out of his driveway. He said he has not gotten any answers on this issue. He asked Council if there could be boundaries set to eliminate parking on the streets. He asked if an ordinance could be drafted which states that no one can park on the street within 30 feet of both sides of someone's driveway. He said he feels this would be a better solution than having no parking signs erected throughout the neighborhood. Mr. Beale said he is asking Council to address this concern because it is an inconvenience for him and his family.

### **Consent Agenda**

Mayor Crocker asked for approval of the consent agenda, which included the minutes of the December 8, 2009 Council meeting and the minutes of the

December 16, 2009 Council meeting. Councilman Willis made a motion to approve the consent agenda as presented. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

### **Town Manager's Report (Given by the Assistant Town Manager)**

#### ***Briefing by Connie Rhodes and Ed Mortimer – 1-888-LOCK-U-UP Program***

Mr. Stallings said, as Council is aware, the Windsor Police Department, in conjunction with the Smithfield Police Department and the Isle of Wight County Sheriff's Office has transitioned from a local crime-line phone number to the regional 1-888-LOCK-U-UP program. He said Connie Rhodes and Ed Mortimer are present to speak on this program.

Mrs. Rhodes briefed Council on the background of how the 1-888-LOCK-U-UP program began in Isle of Wight County. She also briefly explained how the system works. Mr. Mortimer spoke to Council about how the program has various fundraisers to aid with costs of the "Top Cop" recognition within the program. He asked for any business and Town support toward this program. Mayor Crocker thanked Mrs. Rhodes and Mr. Mortimer for coming to speak with Council.

#### ***Analysis of the First Six Months of Budget Year 2009-2010***

Mr. Stallings said as Council recalls last year it had two Council meetings during the month of January. He said Council is no longer having two meetings each month. He said the Treasurer's Report is not on the agenda for this Council meeting. He said last year the December Treasurer's Report was presented at the second meeting in January, and he recommends that Council continue that tradition. Mr. Stallings said he recommends that Council schedule a meeting for 3:00 p.m., Wednesday, January 27, 2010 so that staff can brief Council on the following items: 1) the results of our analysis of Town's finances for the first six months of this fiscal year, 2) staff's year-end projections of revenues and expenditures for this fiscal year, 3) staff's initial financial outlook for 2010-2011, 4) the final draft of our 2010 Budget Calendar, and 5) the Treasurer's Report for the month of December 2009.

Mr. Stallings said he recommends that Council adopt a motion to schedule a meeting for 3:00 p.m. Wednesday, January 27, 2010, in the Council Chamber, to discuss the current budget year and begin discussions about the budget for fiscal year 2010-2011. Mayor Crocker asked Council if the time and date was agreeable for everyone. Council said it was fine.

Councilwoman Richardson made a motion to schedule a meeting of Council for 3:00 p.m. Wednesday, January 27, 2010 in the Council Chamber. Councilman

Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Mr. Pretlow informed Council that because this is a scheduled meeting of Council instead of a Called meeting the agenda is not limited to the specific items that were previously discussed. He said the agenda is open for any other items that Council may want to discuss.

### ***Appropriation of Cash Donations***

Mr. Stallings said as Council is aware, as part of the Community Relations program, the Police Department conducts an annual Toy Drive. He said through the course of the year, Windsor Police Department solicits donations of toys from local businesses; although not solicited, the Police Department received cash donations in the amount of \$200 this year for this program. He said included in Council's packet is a resolution to appropriate the \$200 to the Police Department budget. Mr. Stallings said he recommends that Council adopt the resolution.

Mayor Crocker asked the Clerk to read the title of the resolution. The Clerk read the title of the resolution as follows: "A resolution appropriating the sum of \$200 in funds donated to the Town of Windsor to the General Fund of the Town of Windsor's Operating Budget for fiscal year 2009-2010."

Vice Mayor Jones made a motion to adopt the resolution entitled: *A Resolution Appropriating The Sum Of \$200 In funds Donated To The Town Of Windsor To The General Fund Of The Town Of Windsor's Operating Budget For Fiscal Year 2009-2010*. Councilman Scott seconded, and Council unanimously passed the resolution as recorded on the attached chart as motion #3.

Councilman Willis asked how the funds would be spent. Chief Porti said the funds would go to offset any expenses the Police Department incurred with the Toy Drive program, such as purchasing wrapping paper, tape, etc.

### ***Appropriation of Asset Forfeiture Funds***

Mr. Stallings said as Council is aware, the Town of Windsor participates in the Commonwealth of Virginia's Asset Forfeiture Program. He said the Town has \$1,183.14 in Asset Forfeiture funds that Council needs appropriate for expenditure within the 2009-2010 operating budget for the Police Department. He said included in the agenda is a resolution appropriating the funds. He said he recommends that Council adopt the resolution.

Mayor Crocker asked the Clerk to read the title of the resolution. The Clerk read the title as follows: "A resolution appropriating the sum of \$1,183.14 in asset forfeiture funds to the general fund of the Town of Windsor's operating budget for fiscal year 2009-2010."

Councilman Garrris made a motion to adopt the resolution entitled: *A Resolution Appropriating The Sum of \$1,183.14 In Asset Forfeiture Funds To The General Fund Of The Town Of Windsor's Operating Budget For Fiscal Year 2009-2010*. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Vice Mayor Jones asked if there are any restrictions on how the funds are spent. Mr. Stallings said the funds would be used to purchase equipment for the Police Department's narcotics enforcement efforts. He said the funds cannot be used to supplant existing funding.

### ***Stormwater Management Plan***

Mr. Stallings said at Council's December 8, 2010 meeting staff from the Hampton Roads Planning District Commission (HRPCD) briefed Council on the draft Stormwater Management Plan for the Town. He said at that meeting Council directed staff to develop a table showing the various tasks and costs associated with said tasks. He said enclosed in the agenda for this meeting is a two-page table that sets forth this information. Mr. Stallings said according to the table, the approximate cost of joining HRSTORM is \$2,500 plus \$15 per person to attend training events throughout the year. He said the table also shows which items are Town staff's responsibility and the items which are the responsibility of Isle of Wight County. He said Claire Jones of the HRPDC is present at this meeting to answer any questions Council may have pertaining to the Stormwater Management Plan. Mr. Stallings said he recommends that Council hold a public hearing on the Stormwater Management Plan at its February 9, 2010 Council meeting.

Claire Jones said the fee for joining the HRSTORM committee is used for advertising on television and radio, educational material, and brochures for the public, and it also gives the Town a vote on issues by becoming a member. She said the \$2,500 is an annual fee. She said the annual fee is based on the locality size. She said the Town of Smithfield pays approximately \$5,000 a year to be a member of HRSTORM.

Councilman Garrris made a motion to hold off on the public hearing until year 2011. Councilman Willis seconded the motion.

Mayor Crocker made a substitute motion to advertise for a public hearing on the Stormwater Management Plan for Council's February 9, 2010 meeting. Councilwoman Richardson seconded the substitute motion.

Members of Council voiced its concerns regarding the costs of implementing the plan and also the public being made aware of the information within the plan. Ms. Jones said she would like Council to know that adopting the Plan does not force the Town to implement the Plan until year 2011.

After discussion among Council members, Mayor Crocker called for the question on the substitute motion. Council failed to pass the substitute motion three to two vote as recorded on the attached chart as motion #5.

Mayor Crocker called for the question on the original motion to delay the public hearing until year 2011. Council unanimously passed the motion as recorded on the attached chart as motion #6.

### ***Calendar of Events***

Mr. Stallings said the calendar of events is in Council's agenda packet for Council's information.

### **Police Chief's Report**

Chief Porti said for the month of December 2009 there were a total of 212 calls of which Windsor Police Department answered 209 calls. He said there were a total of 192 traffic stops which resulted in 171 traffic summons and 19 warnings. Chief Porti said there were five felony arrests which resulted in eight charges and 10 misdemeanor arrests which resulted in 14 charges.

Chief Porti said on December 22, officers responded to a structure fire at 7 Church Street, the Verizon building. He said the Police Department served as the main point of contact for coordination of efforts with Verizon management and Isle of Wight County Emergency Services. He briefed Council on some of the details of this event.

Chief Porti said on December 24 officers distributed over 250 toys to families in need within our area. He said an additional 200 plus toys were given to the staff at the Isle of Wight Child Protective Services unit for distribution to children throughout the year. He said he would also like to thank all the volunteers who helped wrap the presents on short notice.

Councilwoman Richardson said she would like to thank Chief Porti and the other officers for going above and beyond in assisting Verizon.

### **Town Attorney's Report**

No report.

### **Mayor's Report**

Mayor Crocker said the Isle of Wight Board of Supervisors action report for December 17, 2009 is in the town office for anyone who wishes to review the report. He asked about the band for the July 4<sup>th</sup> celebration. He said he would

like town staff to go ahead and get a contract in place for a band for this year's July 4<sup>th</sup> celebration.

Mayor Crocker said there are several individuals who are up for re-appointment to Planning Commission and Board of Zoning Appeals and asked Councilman Willis to take care of contacting these individuals to see if they are still interested in serving. Mayor Crocker asked Mr. Stallings to get a list of the names of the individuals to Councilman Willis.

### **Other Reports**

Councilman Scott said the Economic Development Committee met on Monday, January 11, 2010. He briefed Council on several items the committee is currently working on. He said Lisa Perry with Isle of Wight County's Economic Development was present and updated the committee on the progress of the Intermodal Park. He said Connie Rhodes from the Chamber also attended the meeting.

### **Planning Commission**

Mr. Stallings said the annual Planning and Zoning report for the 2009 is before Council. He said the Town issued 56 zoning permits in 2009, 64 permits in 2008 and 84 permits in 2007. He reported that there were 15 notices of violations for 2009, 33 notices for 2008, and 43 notices for 2007.

Mr. Stallings said the next Planning Commission meeting is 7:00 p.m. on January 27, 2010.

### **Old or Unfinished Business**

Vice Mayor Jones asked if Planning Commission was going to address the problem with the number of cars a resident can have parked on their property. Mr. Stallings said he is still in the research phase to determine the best way to attack the issue. He said he has been gathering information from other localities on this issue.

Mayor Crocker and Vice Mayor Jones asked about the status of the police building. There was no report given on this issue at this time. They asked for this item to be on the agenda for the January 27, 2010 meeting for further discussion.

Councilman Willis asked the status of the sidewalk project. Mr. Stallings said the 90% plans were due to the Virginia Department of Transportation (VDOT) yesterday, and these plans were delivered to VDOT by the Town's engineer. He said the Town has sent to the appropriate agencies the environmental due diligence letters. He said at this point in time the responses to those letters are

the only items that may delay the project. Mr. Stallings said the project is due to advertise for bids by March 2, 2010. He said that VDOT needs all plans and agency comments by February 2, 2010. He said the project is moving forward.

Councilwoman Richardson asked for an update on the subdivision plan revision. Mr. Stallings said staff has recently revised the original calendar for comprehensive zoning ordinance. He gave Council a copy of the revised calendar. He said the data collection process has started. He said the revised calendar is a more realistic calendar for updating the Town's zoning ordinances. Mr. Stallings said the new calendar will add at least eight months to the process.

### **New Business**

Mayor Crocker said he would now like to address Mr. Beale's concerns about parking on the streets in Hidden Acres. He asked if the Town had done everything it possibly can on this issue. Chief Porti said Mr. Beale has not called in a complaint to the Police Department in quite some time. He said when Mr. Beale does call the officer goes out and makes a determination of the situation. Chief Porti said what is currently in the Code only addresses whether someone is blocking the access to a resident's driveway. He said there is no allowance in the Code for parking a certain distance from someone's driveway. Council and staff continued discussion of Mr. Beale's parking concerns. After further discussion, Council agreed to have the Town Manager send Mr. Beale a letter stating the facts of the issue in regards to the Town's responsibility and VDOT's responsibility. Council asked that the letter also include the names of the various VDOT officials and State delegates that Mr. Beale needs to talk with about this issue. Councilwoman Richardson said she would like the letter to include that Mr. Beale should contact the Windsor Police Department when delivery trucks or other vehicles cannot get in or out of his driveway due to vehicles blocking the entrance so the police department can address the problem.

Mayor Crocker asked for Chief Porti's comments on the 1-888-LOCK-U-UP program in regards to their asking for a donation. Mr. Rowe said that he recommends that Council allow staff to review the anticipated revenue and expenditures in the up coming budget for fiscal year 2010-2011 to determine at that time whether a donation to the program is feasible or not.

Mayor Crocker said he would like to schedule a called meeting of Council for January 21, 2010 at 5:00 p.m. to discuss personnel matters.

Councilman Willis made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-3 for the purpose of discussing real estate matters regarding property within the Town of Windsor. Councilman Garris seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7.

Vice Mayor Jones made a motion to go back into regular session. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

Vice Mayor Jones made a motion pursuant to Virginia Code Section 2.2-3712, Subsection D that Council discussed only public business matters lawfully exempted from open meeting requirements, and that Council heard, discussed, or considered only such business matters as were identified in the motion that Council passed to go into closed session. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

Councilman Garris made a motion to have a Special Council meeting on January 21, 2010 at 5:00 p.m. in the Council Chamber. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #10.

Councilman Willis made a motion to adjourn. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #11. The meeting adjourned at approximately 9:50 p.m.

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Marvin A. Crocker, Jr., Mayor

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Robin Hewett, Clerk



TOWN OF WINDSOR  
RECORD OF  
COUNCIL VOTES

Council Meeting Date Jan. 12, 2010

Motion #	Bryant	Jones	Garris	Richardson	Willis	Scott	M. Crocker
1	Absent	Y	Y	Y	Y	Y	
2	"	Y	Y	Y	Y	Y	
3	"	Y	Y	Y	Y	Y	
4	"	Y	Y	Y	Y	Y	
5	"	Y	N	Y	N	N	
6	"	Y	Y	Y	Y	Y	
7	"	Y	Y	Y	Y	Y	
8	"	Y	Y	Y	Y	Y	
9	"	Y	Y	Y	Y	Y	
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Robin Hewitt, Clerk